

**REMARKS**

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1 and 4 are now present in the application. Claim 1 has been amended. Claims 2 and 3 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

**Reasons For Entry Of Amendments**

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. § 112 and 103(a) are improper and should immediately be withdrawn. Accordingly, the finality of the Final Office Action mailed on November 17, 2004 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the foregoing amendments as they remove issues for appeal.

**Claim Objections**

Claims 1-4 have been objected to due to the presence of informalities. In view of the foregoing amendments to claim 1, it is respectfully submitted that this objection has been addressed.

Reconsideration and withdrawal of this objection are respectfully requested.

**Claim Rejections Under 35 U.S.C. §112**

Claims 1-4 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

In view of the foregoing amendments to claim 1, it is respectfully submitted that this rejection has been addressed. Accordingly, claims 1-4 now comply with the written description requirement. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, are therefore respectfully requested.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schumacher, U.S. Patent No. 5,089,067, Shimazaki, U.S. Patent Application Publication No. US 2003/0236133, or Yoshida, U.S. Patent No. 5,630,888. These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. As the Examiner will note, independent claim 1 has been amended to recite a combination of elements including “the forging alloy being a martensite stainless steel forging alloy consisting of carbon 0.08-0.16 wt%, silicon < 0.8 wt%, manganese < 1.0 wt%, chromium 11.5-17.0 wt%, with the remaining portion being iron”. Support for the above

combination of elements can be found on the paragraph beginning on page 5, line 17 of the specification. Applicants respectfully submit that since the specification discloses that the remaining portion is iron in addition to the specified elements, the term "consisting of" is fully supported by the specification.

A transition temperature of delta ferrite phase may cause poor malleability and high flow stress of said martensite stainless steel. In the present invention, a martensitic stainless steel consisting of carbon 0.08-0.16 wt%, silicon < 0.8wt%, manganese < 1.0 wt%, chromium 11.5-17.0 wt% and balance iron improves malleability of the gold club head.

Schumacher discloses a martensitic steel consisting essentially of up to about 0.08% carbon, about 1.0 to about 4.0% manganese, about 13.0 to about 17.0% chromium, about 1.5 to about 4.0% copper, up to about 0.12% nitrogen, less than about 1.0% silicon, less than about 1.0% molybdenum, less than 1.0% nickel, less than about 0.03% phosphorus, less than about 0.5% sulfur, up to about 0.005% boron, up to 0.5% niobium, vanadium, titanium and/or zirconium and balance essentially iron (see Abstract). Thus, Schumacher has copper, nitrogen, molybdenum, nickel, phosphorous, sulfur, and other elements therein.

Shimazaki discloses in Table I a martensitic stainless steel SUS410 including 0.15C-12.5Cr.

Yoshida discloses a golf club head is formed of an alloy steel which comprises at most 0.2 wt. % of C, 0.05-1.0 wt. % of Si, at most 0.5 wt. % of Mn, 3.0-8.0 wt. % of Ni, 10.0-20.0 wt. % of Cr, 3.0-8.0 wt. % of Mo and

10.0-20.0 wt. % of Co, the remainder being substantially Fe, and has a metallic texture composed principally of martensite (see Abstract).

Accordingly, none of these references utilized by the Examiner individually or in combination teach or suggest "the forging alloy being a martensite stainless steel forging alloy consisting of carbon 0.08-0.16 wt%, silicon < 0.8 wt%, manganese < 1.0 wt%, chromium 11.5-17.0 wt%, with the remaining portion being iron" as recited in claim 1. Therefore, Applicants respectfully submit that all of the claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

### **CONCLUSION**

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

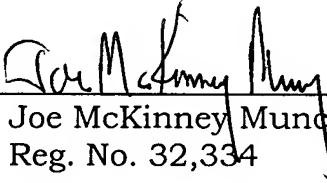
In the event the Examiner does not consider this application to be in condition for allowance, it is respectfully requested that this Amendment be entered for the purposes of Appeal. This Amendment should overcome the current grounds of rejection and therefore simplify the issues for Appeal. Nonetheless, it should be unnecessary to proceed to Appeal because the instant application should now be in condition for allowance.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
Joe McKinney Muncy  
Reg. No. 32,334

KM/GH/mmi/asc  
3624-0121P

GVY

P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000